

**SUMMARY OF THE  
ENVIRONMENTAL LABORATORY ADVISORY BOARD MEETING  
MAY 28, 2003**

The Environmental Laboratory Advisory Board (ELAB) met on May 28, 2003, at 11 a.m. Eastern Daylight Time (EDT) by teleconference. Chairperson Ms. Zonetta English of the Louisville/-Jefferson County MSD led the meeting. A list of action items is given in Attachment A. A list of participants is given in Attachment B. The meeting agenda, prepared and distributed prior to the meeting by the chair, is given in Attachment C.

**INTRODUCTION**

The meeting was opened by ELAB's Designated Federal Officer (DFO), Ms. Lara Autry of the U.S. Environmental Protection Agency (EPA). ELAB was joined by one guest, Mr. Mike Harley of Harley Engineering. Ms. Autry reviewed the meeting agenda, which had been distributed to ELAB members by the chair prior to the meeting, for Mr. Harley's benefit. She then turned the meeting over to Ms. English. Following a roll call to ensure that a quorum of ELAB members was present on the call, Ms. English led a review of minutes from the May 20, 2003 meeting. The minutes were approved pending minor edits.

**FEDERAL ADVISORY COMMITTEE (FAC) DFO TRAINING UPDATE**

Ms. Autry briefed ELAB on the two-day training course she had recently attended. She characterized the training as worthwhile. She informed ELAB that she had learned that a Federal Advisory Committee is allowed to hold an administrative session at any time in which only the committee membership is in attendance. The purpose of such an administrative session is logistical discussion of the operation of the committee to provide members an opportunity to ask questions about rules and guidelines and to discuss pragmatic matters. Since the committee is not acting in its official capacity to advise the federal government in an administrative session, the session does not have to be announced in the Federal Register. It was suggested that such a session at the National Environmental Laboratory Accreditation Conference (NELAC) in San Diego (NELAC 9) would be helpful. There was brief discussion of teleconference logistics to accommodate Dr. Michael Green and Mr. John Bigmeat, who would be unable to attend the face-to-face session in San Diego.

**REVIEW OF ACTION ITEMS**

After Ms. Autry's update, Ms. English moved to a review and status update of action items.

- **ELAB Budget and Charter:** Ms. Autry reported on the matter of travel and per diem expenses as referenced in ELAB's charter, for which she had been asked to get clarification at her training session. She reported that a computer system exists into which information such as that compiled by Dr. Green is entered to show cost-benefit for any FAC at any given time. She also reported that few FACs include reimbursement for members' time, although it is common to fund travel for groups that are having trouble traveling to face-to-face meetings. Funding for

travel is considered appropriate for FACs that have only face-to-face meetings, and funding requests are considered on a case-by-case basis. It would be possible to offer this support to some members based on need.

There was also moderate discussion of “next steps.” It was decided that the next logical step would be to draft a funding request to EPA. It was also decided that the request would be bundled with other recommendations to the agency to present a comprehensive package and to maximize the opportunity to cover several topics under one document. Ms. Autry suggested that ELAB give EPA an update on their current recommendations and future plans every 6-12 months via a letter to the highest point in the agency to which ELAB reports. It was decided that Dr. Green would draft the funding request and that Ms. English would draft the recommendations package. Ms. Autry suggested that the most effective time to submit the budget request to EPA would be at the close of one agency fiscal year and the start of another. It was agreed that Dr. Green and Ms. English would coordinate on the work product with a goal to distribute the packet to ELAB membership for review and comment by July 15, 2003, and to deliver to EPA by September 1, 2003.

Ms. Autry reminded those present on the call that she had been advised by the EPA FAC attorney concerning ELAB membership issues. The wording in the current charter allows ELAB the ultimate in flexibility for its membership. Since the language is not prescriptive, it allows ELAB to function with membership less than the target of 15 members stated in the charter. ELAB membership is approved by the DFO. Ms. Autry noted that she could approve a nominee for membership at any time and that she would seek the input of EPA’s FAC attorney and the members of ELAB as she reviewed a membership application. Such discussions would be handled privately via email. Currently, there is no representation on ELAB from environmental public interest groups, academia, or laboratory assessment groups. Ms. Autry noted that she would be writing a mid-June Federal Register notice seeking interest in ELAB membership. She reminded ELAB that applicants must complete an application, so current ELAB members should refer any potential nominees to the Federal Register notice when it appears. There was brief discussion of reconfirmation of existing members. Ms. Autry indicated that she would confirm that reconfirmation of existing members may be accomplished within a month after rechartering.

- **Workproducts From Mr. Jerry Parr:** Mr. Robert Wyeth reported on his communications with Mr. Parr as follows:
  1. Copy of September 2002 (Environmental Council of the States) ECOS letter - obtained and distributed to ELAB by Ms. English
  2. Nonparticipating groups in NELAC - has transitioned into other working groups; Mr. Parr recommended that ELAB be careful in its language in regard to “small laboratories” vs. “nonparticipating groups.”
  3. EPA endorsement of NELAC - related to ECOS letter
  4. ELAB funding - Dr. Green has assumed leadership of this task

There was brief discussion of the nonparticipating groups issue. It was suggested that the issue is still vitally important. Ms. English indicated that she would contact Ms. Sylvia Labie to confirm that she had received Mr. Parr's mission statement. Dr. Mark Marcus indicated that he would draft language based on his January 2003 workproduct on the issue and distribute for ELAB's review and comment.

- **Language for Recommendation of EPA Endorsement of NELAC:** It was noted that the ECOS letter is a good model for a letter to EPA to recommend EPA's continued support, funding, and involvement in NELAC. Mr. Wyeth indicated that he would draft language for a similar letter to EPA from ELAB to support ECOS' letter, to include ELAB's own recommendation, and to express interest in any response ECOS received from EPA.
- **Update on Analyte/Analyte Group:** Mr. Wyeth noted that he has not received much response from the members of the workgroup. The members of the workgroup believe the NELAC Program Policy and Structure Committee's move toward a change in scope of accreditation to matrix/technology/analyte makes analyte/analyte group a nonissue. It was agreed that ELAB would solicit stakeholder input on the issue in the ELAB Open Forum in San Diego.
- **Update on White Paper on Restructured NELAC:** Dr. Marcus explained the purpose of the draft white paper he had distributed for review and comment. He explained that the paper provides background information and illustrates the complexity of the consensus standard issue. He explained that his original focus had been on OMB Circular A-119 (Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities) and that he had discovered a new area of focus in federal conformity assessment issues. Dr. Marcus briefly discussed how other organizations use consensus standards to avoid liability issues. Dr. Marcus noted that the paper's recommendations are his own and his purpose in distributing it was to solicit ELAB's input and other recommendations, if appropriate. In subsequent discussion, it was suggested that the paper fits into NELAC's movement toward ISO 17025 and that the copyright issue has never been adequately addressed by NELAC. This is a specific issue in conformity assessment. There was also discussion of whether the Institute for Environmental Laboratory Accreditation (INELA) should be an American National Standards Institute (ANSI) body. Noting that the application process is daunting, it was suggested that any encouragement for and value in having INELA join ANSI would be best communicated to the NELAC Board of Directors.

Ms. Autry noted that EPA has actively dealt with many issues regarding other standards-setting organizations, including ANSI. She suggested that the paper might be more appropriately shared with NELAC. She agreed to get input from the EPA attorney dealing with the National Technology Transfer and Advancement (NTTA) Act and she indicated that she would invite him to speak to ELAB in a teleconference after NELAC 9. She also noted that ANSI has briefed both EPA and INELA. Ms. Autry indicated that she would contact ANSI to brief ELAB if the members of ELAB would like to be briefed. She also noted that she has an ANSI

overview presentation in PowerPoint format and that she will confirm with ANSI that it is all right for her to share that presentation with ELAB.

- **NELAC 9 Agenda** - There was brief discussion of ELAB's agenda for NELAC 9. It was noted that homeland security and a review of outstanding recommendations to EPA would be included on the agenda. Ms. English asked those present on the call to email her items for the agenda by 4 p.m. the following day so that she could compose the agenda and submit it to Ms. Autry. She also noted that she would send ELAB members a copy of her opening presentation for NELAC 9 so that they could review it.

## **NEW BUSINESS**

There was brief discussion of outstanding ELAB recommendations and their compilation and format. ELAB briefly discussed one old recommendation as an example. It was noted that there needs to be some mechanism in record keeping to include the date(s) that recommendations are revisited, action taken, outcome, some discussion of rationale and benefit or value-added for NELAC and EPA, and completion. It was suggested that compilations include a column or row for functional and strategic value of the recommendation.

Mr. Wyeth directed ELAB's attention to a recently published article on security issues in an American Chemical Council publication. He indicated that he would distribute the article to the members of ELAB for their review.

There was brief discussion of an informal (social) get-together before ELAB's meeting in San Diego. Ms. Autry pointed out that the Open Forum does not fall under the category of official FAC meeting so no Federal Register announcement of the meeting was necessary. She also noted that there will be no teleconference line for the Open Forum. Ms. Autry indicated that she would send agenda and conference line information to the members of ELAB after she received the completed agenda from Ms. English.

## **CONCLUSION**

Ms. English thanked the members of ELAB for their participation. There being no further business to discuss, she turned the meeting over to Ms. Autry. Ms. Autry adjourned the meeting at approximately 1 p.m. The next meeting of ELAB is scheduled as a face-to-face meeting on Friday, June 6, 2003, at the San Diego Hyatt Regency Islandia.

**ACTION ITEMS  
ENVIRONMENTAL LABORATORY ADVISORY BOARD  
MAY 28, 2003**

<b>Item No.</b>	<b>Action</b>	<b>Date to be Completed or Status Report Given</b>
1	Dr. Green and Ms. English coordinate on funding request/recommendations package.	07/15/03
2	Ms. Autry will confirm process and deadline for reconfirmation of involvement from existing NELAC members after rechartering.	after NELAC 9
3	Ms. English will contact Ms. Labie to confirm that she received Mr. Parr's nonparticipating organizations workgroup mission statement.	at NELAC 9
4	Dr. Marcus will draft language based on his January 2003 work product.	
5	Mr. Wyeth will draft language for letter to EPA in support of and addition to the September 2002 ECOS letter.	
6	ELAB will solicit input from NELAC stakeholders on analyte/analyte group issue at ELAB Open Forum in San Diego.	at NELAC 9
7	Dr. Marcus will follow up on consensus standard white paper issues.	
8	Ms. Autry will follow up on consensus standard white paper issues re: invitation to EPA NTTA attorney to speak to ELAB, approval to share ANSI overview presentation with ELAB, possible invitation to ANSI to brief ELAB	after NELAC 9
9	ELAB will finalize submit agenda items to Ms. English for NELAC 9 agenda.	05/29/03
10	Ms. English will distribute her NELAC 9 opening presentation for ELAB review and comment.	05/29/03
11	Mr. Wyeth will distribute copy of ACC article on security issues for ELAB review.	

**PARTICIPANTS  
ELAB MEETING  
MAY 28, 2003**

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**ELAB Meeting Agenda-May 28, 2003  
11:00-1:00 PM EDT**

1. Review Minutes from May 20, 2003 ELAB Meeting-All ( 10 minutes)
2. Update FACA Training/Rules-Lara Autry ( 10 minutes)
3. Action Items from May 20, 2003 Conference Call-ALL ( 90 minutes)
  - ELAB Budget ( Feedback) Dr. Green/Z. English
  - ELAB Charter-All
  - Work Products from Jerry Parr-Robert Wyeth
  - ECOS Letter-Bob Wyeth
  - Update Analyte/Analyte Group-Bob Wyeth
  - Consensus Standards-Dr. Marcus
  - Review of ELAB Recommendations-ALL
  - Status of Recommendations to EPA-ALL
  - Agenda for NELAC 9-ALL
4. New Business –ALL (10 Minutes)